

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARY ELLEN BUCKHOUT,

Plaintiff,

v.

**STIPULATION OF PARTIAL
VOLUNTARY DISMISSAL
PURSUANT TO FRCP 41**

NEW YORK STATE, STATE UNIVERSITY
OF NEW YORK, UPSTATE MEDICAL
UNIVERSITY,

Civ. No. 19-cv-1602 (MAD/TWD)

Defendant.

WHEREAS, on or about February 18, 2020, Plaintiff served an Amended Complaint (Dkt. No. 13) on Defendant asserting, *inter alia*, two causes of action brought pursuant to the New York Human Rights Law (“HRL”), N.Y. EXEC. LAW §290 *et seq.*; and

WHEREAS, on or about March 9, 2020, Defendant moved to dismiss (Dkt. No. 16) the aforementioned causes of action brought pursuant to the Human Rights Law: *viz.*, “Count II” and “Count III” of Plaintiff’s Amended Complaint, on the ground that sovereign immunity deprived the Court of subject-matter jurisdiction to adjudicate the same; and

NOW, THEREFORE, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties to this action hereby stipulate to the dismissal with prejudice of those causes of action brought pursuant to the Human Rights Law and characterized respectively as “Count II” and “Count III” of the Plaintiff’s Amended Complaint, without costs and fees as to any party. That remaining cause of action in the Plaintiff’s Amended Complaint, asserted under the Rehabilitation

Act, 29 U.S.C. §794 *et seq.* (“Count I”), is not hereby affected by the above stipulation of the parties.

Dated: May 6, 2020
Albany, New York

FOR THE PLAINTIFF

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s/ James D. Hartt

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FOR THE DEFENDANT

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s/ Kyle W. Sturgess

Bar Roll No. 302888

IT IS SO ORDERED:



Mae A. D'Agostino
U.S. District Judge

Dated: May 6, 2020
Albany, NY